

Pursuant to 37 CFR § 41.37, submitted herewith is Appellant's Brief on Appeal.

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TABLE OF CONTENTS

	PAGE
REAL PARTY IN INTEREST.....	4
RELATED APPEALS AND INTERFERENCES.....	5
STATUS OF CLAIMS.....	6
STATUS OF AMENDMENTS.....	7
SUMMARY OF CLAIMED SUBJECT MATTER.....	8
GROUND OF REJECTION TO BE REVIEWED UPON APPEAL.....	17
ARGUMENT.....	18
CONCLUSION.....	26
CLAIMS APPENDIX.....	27
EVIDENCE APPENDIX.....	36
RELATED PROCEEDINGS APPENDIX.....	37

37 CFR 41.37(c)(1)(i) REAL PARTY IN INTEREST

The above identified application is assigned to Smart Technologies Inc., 3636 Research Road N.W., Calgary, AB, CANADA, T2L 1Y1, which is the real party in interest. An Assignment has been recorded in the Office at Reel 012434, Frame 0957 on 01/07/2002.

37 CFR 41.37(c)(1)(ii) RELATED APPEALS AND INTERFERENCES

None.

37 CFR 41.37(c)(1)(iii) STATUS OF CLAIMS

Claims 1, 2, 5-14, 21-26, 28-31, 34-49 and 51-56 are pending in the application. Claims 1, 21, 30 and 44 are independent.

All pending claim s are reproduced in the Appendix submitted herewith.

A. Total Number of Claims in the Application

There were originally 29 claims pending in this application, numbered as 1-29. New claims 30-52 were added on March 17, 2008. New claims 53-56 were added on June 25, 2009.

B. Status of All Claims

1. Claims cancelled: 12 claims cancelled, Claims 3, 4, 15-20, 27, 32, 33, and 50.
2. Claims withdrawn but not cancelled: None.
3. Claims pending: 34; Claims 1, 2, 5-14, 21-26, 28-31, 34-49, and 51-56.
4. Claims allowed: None.
5. Claims objected to: None.
6. Claims rejected: 34; Claims 11, 2, 5-14, 21-26, 28-31, 34-49, and 51-56.

C. Claims on Appeal

The claims on appeal are Claims 1, 2, 5 to 14, 21 to 26, 28 to 31, 34 to 49, and 51 to 56.

37 CFR 41.37(c)(1)(iv) STATUS OF AMENDMENTS

Subsequent to the November 4, 2009 final Office Action, no Amendments have been filed.

The claims were last amended with arguments on the merits on June 25, 2009 in an Amendment and Response to the Office Action of January 29, 2009; the Amendment was entered.

The current status of the claims is shown in the Claims Appendix provided herewith. The status of each claim is provided with the presumption that the Amendment of June 25, 2009 has been entered. This Appeal from the decision of the Examiner is responsive to a ninth and most recent Office Action issued November 4, 2009.

37 CFR 41.37(c)(1)(v) SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent Claim 1 recites a method for creating and managing a shared workspace in a network environment comprising the steps of creating a shared workspace associated with a scheduled meeting prior to the scheduled meeting and making the created shared workspace accessible to participants of the scheduled meeting immediately after the shared workspace is created, categorizing data stored in the shared workspace at the time the data is input into the shared workspace using a set of defined categories associated with the shared workspace and exposing the categorized data stored in the shared workspace to each participant of the scheduled meeting accessing the shared workspace through a graphical user interface and sending the categorized data to a local workspace of each participant. Edits made to the categorized data on any local workspace are sent to the shared workspace. The shared workspace processes received edits to the categorized data sequentially to update the shared workspace thereby enabling multiple participants to simultaneously input data into appropriate categories of the shared workspace and simultaneously edit categorized data exposed through the graphical user interface.

Teaching of creating a shared workspace associated with a scheduled meeting and categorizing data stored in the shared workspace is found in the specification at page 5, paragraph 20, lines 32 to 34, and at page 6, paragraph 20, lines 1 to 3. Teaching of exposing the categorized data in the shared workspace to each participant is found in the specification at page 10, paragraph 36, lines 1 to 8. Teaching of the simultaneous editing is found in the specification at page 10, paragraph 37, line 9 to paragraph 39, line 27.

Dependent claim 2, depending upon claim 1 recites that the data stored in the shared workspace is categorized into two or more of agenda, goals, decisions, tasks, file attachments, whiteboard notes and drawing categories, as taught on page 9, paragraph 35, lines 23 to 33.

Dependent claim 5, depending upon claim 1 recites that changes to categorized data stored in the shared workspace made by participants are applied to the

categorized data using an optimistic editing model, as taught on page 10, paragraph 37, lines 9 to 12; page 10, paragraph 38, lines 13 to 16; and page 10, paragraph 39, lines 17 to 27.

Dependent claim 6, depending upon claim 1 recites that shared workspace is created automatically when a new meeting is scheduled, as taught on page 6, paragraph 23, lines 28 to 30.

Dependent claim 7, depending upon claim 6 recites a further step of sending an automatically created link to the created shared workspace to each participant of the scheduled meeting, as taught on page 7, paragraph 26, lines 21 to 26.

Dependent claim 8, depending upon claim 7 recites that the link is attached to a scheduled meeting request delivered to each participant of the meeting, as taught on page 7, paragraph 26, lines 21 to 26.

Dependent claim 9, depending upon claim 1 recites that shared workspace is created for a new meeting in response to user input, as taught on page 6, paragraph 23, lines 30 to 33; and page 7, paragraph 25, lines 6 to 10.

Dependent claim 10, depending upon claim 9 recites a further step of sending a link to the created shared workspace to each participant of the meeting, as taught on page 7, paragraph 26, lines 21 to 26.

Dependent claim 11, depending upon claim 10 recites that the link is attached to a scheduled meeting request delivered to each participant of the meeting, as taught on page 7, paragraph 26, lines 21 to 26.

Dependent claim 12, depending upon claim 1 recites a further step of restricting access to the categorized data stored in the shared workspace to participants of the scheduled meeting based on network login information, as taught on page 2, paragraph 10, lines 30 to 32; and on page 7, paragraph 26, lines 21 to 26.

Dependent claim 13, depending upon claim 12 recites that the network login information includes user login identifications, as taught on page 8, paragraph 30, lines 24 to 29.

Dependent claim 14, depending upon claim 13 recites that during creation of the shared workspace, the user login identifications of participants of the scheduled meeting are stored with the shared workspace, and during access to the shared workspace

by a user, the login identification of the user is compared with the login identifications stored with the shared workspace, as taught on page 8, paragraph 28, lines 8 to 10.

Independent Claim 21 recites a system for creating and managing a secure shared workspace for a scheduled meeting comprising a workspace server executing a server shared workspace application for creating and managing a shared workspace associated with a scheduled meeting, the server shared workspace application creates the shared workspace prior to the scheduled meeting and makes the shared workspace available only to participants of the scheduled meeting immediately upon creation, the data stored in the shared workspace is categorized at the time the data is input into the shared workspace using a set of defined categories associated with the shared workspace. An email server executes a server email and scheduling application; and a plurality of workstations each execute a client email and scheduling application and a client shared workspace application, the client shared workspace application including a graphical user interface to present the data to the participants, the data being stored to each workstation so that when any participant changes the data on any workstation, the changes are sent by the workstation to the shared workspace and processed sequentially by the shared workspace to update the shared workspace thereby enabling multiple participants of the scheduled meeting to simultaneously access and simultaneously edit categorized data stored in the shared workspace.

Teaching of creating a shared workspace associated with a scheduled meeting and categorizing data stored in the shared workspace is found in the specification at page 5, paragraph 20, lines 32 to 34, and at page 6, paragraph 20, lines 1 to 3. Teaching of exposing the categorized data in the shared workspace to each participant is found in the specification at page 10, paragraph 36, lines 1 to 8. Teaching of the simultaneous editing is found in the specification at page 10, paragraph 37, line 9 to paragraph 39, line 27.

Dependent claim 22, depending upon claim 21 recites that the data stored in the shared workspace is categorized into two or more of agenda, goals, decisions, tasks, file attachments, whiteboard notes and drawing categories, as taught on page 9, paragraph 35, lines 23 to 33.

Dependent claim 23, depending upon claim 22 recites that the client shared workspace application communicates with the client email and scheduling application executed by each workstation, the client shared workspace application intercepting meeting requests generated by the client email and scheduling application to determine whether a shared workspace is to be created for a new meeting being scheduled or whether a shared workspace existing for a scheduled meeting is to be updated, as taught on page 6, paragraph 23, lines 26 to 27.

Dependent claim 24, depending upon claim 23 recites that the client shared workspace application instructs the server shared workspace application to create a shared workspace for a new meeting being scheduled automatically, as taught on page 6, paragraph 23, lines 28 to 30.

Dependent claim 25, depending upon claim 23 recites that client shared workspace application asks the user scheduling the new meeting whether a shared workspace for the new meeting is to be created and instructs the server shared workspace application to create a shared workspace for the new meeting when specified by the user, as taught on page 6, paragraph 23, lines 30 to 33; and page 7, paragraph 25, lines 6 to 10.

Dependent claim 26, depending upon claim 23 recites that the client shared workspace application attaches a link to the shared workspace to the meeting request generated by the client email and scheduling application before the meeting request is sent to the server email and scheduling application, as taught on page 7, paragraph 26, lines 21 to 23.

Dependent claim 28, depending upon claim 23 recites that changes to data stored in the shared workspace are applied using an optimistic editing model, as taught on page 10, paragraph 37, lines 9 to 12; page 10, paragraph 38, lines 13 to 16; and page 10, paragraph 39, lines 17 to 27.

Dependent claim 29, depending upon claim 21 recites that the server shared workspace application restricts access to the shared workspace based on user network login information, as taught on page 2, paragraph 10, lines 30 to 32; and page 7, paragraph 26, lines 21 to 26.

Independent Claim 30 recites a method for creating and managing a shared workspace in a network environment comprising the steps of creating a shared workspace for a meeting before the time at which the meeting is scheduled to begin; making the shared workspace accessible to participants of the scheduled meeting through a graphical user interface immediately after the shared workspace is created; storing data in the shared workspace at any time after the shared workspace is created; categorizing the data stored in the shared workspace using a set of defined categories associated with the shared workspace and storing the categorized data to a local workspace of each participant. Edits made to the categorized data at each of the local workspaces are sent to the shared workspace. The shared workspace processes received edits to the categorized data to update the shared workspace thereby enabling multiple participants to simultaneously access and simultaneously edit categorized data stored in the shared workspace through the graphical user interface.

Teaching of creating a shared workspace associated with a scheduled meeting and categorizing data stored in the shared workspace is found in the specification at page 5, paragraph 20, lines 32 to 34, and at page 6, paragraph 20, lines 1 to 3. Teaching of exposing the categorized data in the shared workspace to each participant is found in the specification at page 10, paragraph 36, lines 1 to 8. Teaching of the simultaneous editing is found in the specification at page 10, paragraph 37, line 9 to paragraph 39, line 27.

Dependent claim 31, depending upon claim 30 recites that the data stored in the shared workspace is categorized into two or more of agenda, goals, decisions, tasks, file attachments, whiteboard notes and drawing categories, as taught on page 9, paragraph 35, lines 23 to 33.

Dependent claim 34, depending upon claim 30 recites that the changes to categorized data stored in the shared workspace made by participants are applied to the categorized data using an optimistic editing model, as taught on page 10, paragraph 37, lines 9 to 12; page 10, paragraph 38, lines 13 to 16; and page 10, paragraph 39, lines 17 to 27.

Dependent claim 35, depending upon claim 30 recites that the shared workspace is created automatically when a new meeting is scheduled, as taught on page 6, paragraph 23, lines 28 to 30.

Dependent claim 36, depending upon claim 35 recites a further step of sending a link to the created shared workspace to each participant of the scheduled meeting, as taught on page 7, paragraph 26, lines 21 to 26.

Dependent claim 37, depending upon claim 36 recites that the link is attached to a scheduled meeting request delivered to each participant of the meeting, as taught on page 7, paragraph 26, lines 21 to 26.

Dependent claim 38, depending upon claim 30 recites that the shared workspace is created for a new meeting in response to user input, as taught on page 6, paragraph 23, lines 30 to 33.

Dependent claim 39, depending upon claim 38 recites a further step comprising sending a link to the created shared workspace to each participant of the meeting as taught on page 7, paragraph 26, lines 21 to 26.

Dependent claim 40, depending upon claim 39 recites that the link is attached to a scheduled meeting request delivered to each participant of the meeting, as taught on page 7, paragraph 26, lines 21 to 26.

Dependent claim 41, depending upon claim 30 recites a further step of restricting access to the categorized data stored in the shared workspace to participants of the scheduled meeting based on network login information, as taught on page 2, paragraph 10, lines 30 to 32; and on page 7, paragraph 26, lines 21 to 26.

Dependent claim 42, depending upon claim 41 recites that the network login information includes user login identifications, as taught on page 8, paragraph 30, lines 24 to 29.

Dependent claim 43, depending upon claim 42 recites that during creation of the shared workspace, the user login identifications of participants of the scheduled meeting are stored with the shared workspace, and during access to the shared workspace by a user, the login identification of the user is compared with the login identifications stored with the shared workspace, as taught on page 8, paragraph 28, lines 8 to 10.

Independent Claim 44 recites a system for creating and managing a secure shared workspace for a scheduled meeting comprising a workspace server executing a server shared workspace application for creating and managing a shared workspace associated with a scheduled meeting, the shared workspace server creating the shared workspace for the scheduled meeting prior to the scheduled meeting, the shared workspace being accessible to participants of the scheduled meeting immediately after the shared workspace is created by the workspace server. An email server executing a server email and scheduling application; and a plurality of workstations each executing a client email and scheduling application, the client shared workspace application including a graphical user interface to present the data to the participants, the data being stored to each workstation so that when any participant changes the data on any workstation, the changes are sent by the workstation to the shared workspace and processed sequentially by the shared workspace to update the shared workspace thereby enabling each participant of the scheduled meeting to simultaneously access and simultaneously edit categorized data stored in the shared workspace.

Teaching of creating a shared workspace associated with a scheduled meeting and categorizing data stored in the shared workspace is found in the specification at page 5, paragraph 20, lines 32 to 34, and at page 6, paragraph 20, lines 1 to 3. Teaching of exposing the categorized data in the shared workspace to each participant is found in the specification at page 10, paragraph 36, lines 1 to 8. Teaching of the simultaneous editing is found in the specification at page 10, paragraph 37, line 9 to paragraph 39, line 27.

Dependent claim 45, depending upon claim 44 recites that the data stored in the shared workspace is categorized into two or more of agenda, goals, decisions, tasks, file attachments, whiteboard notes and drawing categories, as taught on page 9, paragraph 35, lines 23 to 33.

Dependent claim 46, depending upon claim 45 recites that the client shared workspace application communicates with the client email and scheduling application executed by each workstation, the client shared workspace application intercepting meeting requests generated by the client email and scheduling application to determine whether a shared workspace is to be created for a new meeting being

scheduled or whether a shared workspace existing for a scheduled meeting is to be updated, as taught on page 6, paragraph 23, lines 26 to 33.

Dependent claim 47, depending upon claim 46 recites that the client shared workspace application instructs the server shared workspace application to create a shared workspace for a new meeting being scheduled automatically, as taught on page 6, paragraph 23, lines 28 to 30.

Dependent claim 48, depending upon claim 46 recites that the client shared workspace application asks the user scheduling the new meeting whether a shared workspace for the new meeting is to be created and instructs the server shared workspace application to create a shared workspace for the new meeting when specified by the user, as taught on page 6, paragraph 23, lines 30 to 33; and page 7, paragraph 25, lines 6 to 10.

Dependent claim 49, depending upon claim 46 recites that the client shared workspace application attaches a link to the shared workspace to the meeting request generated by the client email and scheduling application before the meeting request is sent to the server email and scheduling application, as taught on page 7, paragraph 26, lines 21 to 23.

Dependent claim 51, depending upon claim 46 recites that the changes to data stored in the shared workspace are applied using an optimistic editing model, as taught on page 10, paragraph 37, lines 9 to 12; page 10, paragraph 38, lines 13 to 16; and paragraph 39, lines 17 to 27.

Dependent claim 52, depending upon claim 44 recites that the server shared workspace application restricts access to the shared workspace based on user network login information, as taught on page 2, paragraph 10, lines 30 to 32; and on page 7, paragraph 26, lines 21 to 26.

Dependent claim 53, depending upon claim 1 recites that when categorized data is edited on an off-line workspace and the off-line workspace subsequently goes back on-line, the edits made to the categorized data are automatically sent to the shared workspace, as taught on page 10, paragraph 40, lines 28 to 31.

Dependent claim 54, depending upon claim 21 recites that when data is edited on an off-line workstation and the off-line workstation subsequently goes back on-

line, the edits made to the categorized data are automatically sent to the shared workspace, as taught on page 10, paragraph 40, lines 28 to 31.

Dependent claim 55, depending upon claim 30 recites that when categorized data is edited on an off-line workspace and the off-line workspace subsequently goes back on-line, the edits made to the categorized data are automatically sent to the shared workspace, as taught on page 10, paragraph 40, lines 28 to 31.

Dependent claim 56, depending upon claim 44 recites that when data is edited on an off-line workstation and the off-line workstation subsequently goes back on-line, the edits made to the categorized data are automatically sent to the shared workspace, as taught on page 10, paragraph 40, lines 28 to 31.

37 CFR 41.37(c)(1)(vi) GROUNDS OF REJECTION TO BE REVIEWED ON

APPEAL

1. Whether claims 1, 2, 5 to 14, 21 to 26, 28 to 31, 34 to 49, and 51 are properly rejected under 35 USC 102(b) as being anticipated by the reference entitled “Exchange 2000 Conferencing Server Concepts and Planning”.

2. Whether claims 53 to 56 over are properly rejected under 35 USC 103(a) as obvious over the reference entitled “Exchange 2000 Conferencing Server Concepts and Planning” and in the context of computer networks in general.

37 CFR 41.37(c)(1)(vii) ARGUMENT

For the purposes of this appeal only, the Appellant accepts without prejudice the presumption that all dependent claims stand or fall together in view of these claims depending from independent claims 1, 21, 30, or 44.

Regarding the rejection of claims 1, 2, 5 to 14, 21 to 26, 28 to 31, 34 to 49, and 51 under 35 USC 102 as being anticipated by “Exchange 2000 Conferencing Server Concepts and Planning”:

The rejection under 35 USC 102(b) is improper because the cited prior art does not teach all of the features recited in the Appellant's respective independent claims 1, 21, 30, and 44, and their respective dependent claims.

As the single prior art document “Exchange 2000 Conferencing Server Concepts and Planning” (hereinafter called “Exchange”) cited by the Examiner does not disclose each and every element of the independent claims, the Examiner has instead relied more on his vast, personal knowledge of computer networks rather than the deficient teachings of Exchange. Therefore, Appellant respectfully submits that the Examiner does not qualify as a person of ordinary skill in the art, given his extensive expertise in the field of computer networks.

It is a well settled law that in order for a reference to anticipate a claim each and every element set forth in the claim must be found either expressly or inherently in the reference. See *Glaxo Inc. v. Novapharm Ltd.*, 52 F.3d 1043, 1047, 34 USPQ 2d 1565, 1567 (Fed. Cir. 1995). An anticipating reference must describe the subject matter with sufficient clarity and detail to establish that the subject matter existed in the prior art and that such existence would be recognized by persons of ordinary skill in the field of the invention. See *In re Spada*, 911 F.2d 705, 708, 15 USPQ 2d 1655, 1657 (Fed. Cir.1990).

The Office Action of November 4, 2009 asserts that Exchange teaches a method for creating and managing a shared workspace in a network environment (see

Chapter 2, page 1). The Office Action further asserts that Exchange teaches categorizing data associated with the workspace, and edits performed on the categorized data on any workstation may be sent to a shared workspace, such that those edits are processed sequentially by the shared workspace to update the shared workspace thereby enabling each participant of the scheduled meeting to simultaneously access and simultaneously edit categorized data stored in the shared workspace. Appellant respectfully submits that Exchange does not teach the claimed invention and traverse the rejection under 35 USC 102(b).

In rejecting the independent claims 1, 21, 30 and 44, the Examiner cites Chapter 2 of Exchange, which discloses the key components of Exchange Server: Conference Management Service, Data Conferencing Provider, and Video Conferencing Provider. The Examiner alleges that Exchange teaches creating a shared workspace associated with a scheduled meeting prior to the scheduled meeting based on the first paragraph, under the subsection “Conference Management Service” on page 1 of Chapter 2 which recites:

When you schedule a conference, Conference Management Service creates a URL for the conference. Conference attendees use this URL to access the conference through conference access pages. Conference Management Service stores all scheduled conferences in a specific mailbox, called the conference calendar mailbox. This information is used to create a persistent presentation of the conference format, structure, and any additional information associated with the conference. Conference Management Service also makes it possible for email-clients that can not reserve conference resources to invite conference resources.

The teachings of Exchange are clear that the “conference access pages” have been incorrectly interpreted by the Examiner as the “shared workspace” element in independent claims 1, 21, 30 and 44. Referring to page 4 of Chapter 2 of Exchange, the conference access pages are described as merely HTML pages that provide access to online conferences through a Web site hosted by Microsoft Internet Information Services (IIS). The conference access pages also provide a list of available public conferences, that are published by CMS, and all public conferences listed on the page are accessible from

the home page of the access page however, private conferences are not published and require the attendee to have the full URL to access the conference, (see Chapter 2, page 6 and 7). A typical Exchange conference access page includes details of the conference, such as “Start Date”, “Organizer”, “Meeting Subject” and the participant can click on the desired conference in order to participate (see Chapter 2, page 3).

Once a participant clicks on a particular conference on the access page, the client web browser displays a conference window. The conference window is HTML-based and consists of a conference panel presented in the left frame of the conference window, and one or more additional frames. The conference panel displays general information about the conference, such as, the conference schedule and amount of time remaining in the conference, a mail-enabled link to the conference organizer, the subject of the conference, information about whether the conference is private (attendance is restricted to the invitees), access to online help for the conference access pages, a Refresh button to refresh the window with the latest conference data (see subsection Conferencing Window, Chapter 2, page 4).

As such, Appellant respectfully submits that the creation of a URL to access conference webpages does not amount to creating a shared workspace. Accordingly, it is impossible to find that the conference access pages of Exchange correspond to the “shared workspace” of independent claims 1, 21, 30 and 44.

Appellant also finds it impossible as to how the sharing afforded by Exchange can be seen to correspond to the shared workspaces of the claimed invention. It is well documented in Exchange that the capabilities of the Microsoft-recommended Data Conferencing Provider, NetMeeting 3.01, are rather limited with respect to sharing. For example, in Chapter 2, page 2, Application Sharing, Exchange specifically discloses that “participants can review the same data and see actions while the person sharing the application works on the program; for example, editing content or scrolling through data.” Further, “the person sharing the application can choose to collaborate with conference participants, allowing them to take turns editing or controlling the application”. Therefore, while one participant is editing the application or document, other participants are effectively precluded from performing any “write” actions or edits, and can only view the document being edited by the one person with control of the

application. Therefore, only one person can have full control (read and write permissions) of an application, and other participants are merely bystanders with “read only” permission, and need to request permission to take control of the session. Therefore, there appears to be no dispute that Exchange is simply incapable of permitting simultaneous editing and sending those edits or changes performed on the data on any workstation to a shared workspace, such that those edits are processed sequentially by the shared workspace to update the shared workspace. As such, Exchange can not possibly anticipate the subject matter of independent claims 1, 21, 30 and 44.

The Office Action also states that Exchange is capable of categorizing data in the shared workspace, while also allowing simultaneous editing of the categorized data. In support, the Examiner points to pages 1 and 2 of Chapter 2, where it is recited:

Data Conferencing Provider is a conference technology provider that enables conference participants to share applications, conduct whiteboard sessions, transfer documents, and chat. This data collaboration is accomplished using tools such as Microsoft NetMeeting® or other applications that support T.120 network communications standard. Participants experience data conferencing in various ways, depending on their T.120 and Internet browser applications.

Shared Clipboard You can share data with other participants by using cut, copy and paste operations; for example, you can copy information from a local document and paste the contents into a shared application. The shared clipboard provides an easy way for participants to exchange data between shared and local applications.

Whiteboard You can load or sketch diagrams and organizational charts, or display other graphical information in the multipage, multiuser drawing application. Whiteboard is object-oriented (versus pixel oriented), allowing you to move and manipulate the contents using a click-and-drag operation. In addition, you can use a remote pointer or highlighting tool to point out specific content or sections of shared pages.

However, based on these paragraphs it remains unclear how Exchange could be seen as being capable of categorizing data in the same way as the claimed invention. It appears the Examiner has once again tried to equate the Shared Clipboard data and Whiteboard data of Exchange to “categorized data” within the shared workspace of the claimed invention. Shared Clipboard data encompasses many types of data, that is, anything that can be copied and pasted in a Windows environment. The Shared Clipboard only allows all the participants in a conference to share a common Clipboard, that is, when one person in a conference copies data to the Shared Clipboard, that data becomes available to all other participants who can then copy and paste that data into documents on their computers. However, since it is well known in the art that the Shared Clipboard application available via NetMeeting is only limited to four user commands, “Cut”, “Copy”, “Paste” and “Delete”, this application does not allow for any editing of any actual pasted object on the Shared Clipboard, let alone simultaneous editing of the Shared Clipboard data. Also, since the Shared Clipboard typically holds only one clip of data at a time, it is simply not feasible to have different categories of Shared Clipboard data that can be organized under content-specific tabs for convenient access.

With respect to the Whiteboard, this multi-page application allows online meeting participants to sketch diagrams and organizational charts, or display other graphical information, but despite having multipages, such pages are not organized in specific data categories, nor are they accessible via labeled tabs. It is well known in the art that the pages of the Whiteboard are sequentially numbered and are available to the participants by using navigation arrows, such that at any given moment only one particular page and its page number are displayed on the conference window. A participant thus has to sift through the contents of the entire Whiteboard data by navigating through the unlabelled pages of the Whiteboard to find a particular item. Also, the Whiteboard might include any data related to a typical conference on the same Whiteboard page, such that, agenda data is confined to one quadrant of the Whiteboard page, data related to the minutes of the past meeting in another portion, flowcharts and schematics in another portions of the Whiteboard board. Therefore, despite the Examiner’s persistence in attempting to equate the Whiteboard to the claimed graphical user interface with categorized data, it is clear that Exchange lacks a graphical user

interface comprising a plurality of tabbed pages, each page being associated with a particular data category and having an appropriately labeled tab; such that all of the labeled tabs are all visible at once on the graphical user interface for easy access and navigation. The Whiteboard simply does not arrange the data in any category, and does not have any graphical user interface pages that are associated with a particular category, and labeled accordingly.

In contrast, the claimed invention teaches a set of defined categories such that a participant inputs the appropriate data in a specific category. The graphical user interface presents these categories via a plurality of tabbed pages, each page being associated with the specific data category and having an appropriately labeled tab, such that all of the labeled tabs are all visible at once on the graphical user interface for easy access and navigation. For example, data related to the goals for the meeting is inputted under the appropriate “Goals” category, and data related to the agenda for the meeting is inputted under the appropriate “Agenda” category, while data related to the Whiteboard is inputted under the appropriate “Whiteboard” category, and so forth, as recited in claims 2, 21, 31 and 45.

Accordingly, The Examiner appears to have relied heavily on the deficient teachings of Exchange, or seems to have inflated views of the actual capabilities of Exchange, in an effort to find anticipation of the claims under appeal. Based on the foregoing, it is clear that Exchange does not teach or suggest categorizing data stored in the shared workspace and exposing the categorized data stored in the shared workspace to each participant of the scheduled meeting accessing the shared workspace through a graphical user interface with the graphical user interface enabling each participant exposed through the graphical user interface. None of the Shared Clipboard or Whiteboard data in Exchange is categorized or presented to the participant in any coherent order, as there are simply no defined categories, and clearly anything and everything can be placed on the Shared Clipboard or Whiteboard. In addition, Exchange does not permit edits made to the categorized data on any local workspace to be sent to the shared workspace, and the shared workspace does not process the received edits to the categorized data sequentially to update the shared workspace thereby enabling multiple participants to simultaneously input data into appropriate categories of the

shared workspace and simultaneously edit categorized data exposed through the graphical user interface.

As the Board will appreciate, while Exchange does teach some modicum of collaboration, it is fraught with deficiencies that are clearly overcome by the claimed invention. Exchange does not teach each and every limitation recited in independent claims 1, 21, 30 and 44.

For at least these reasons, independent claims 1, 21, 30 and 44, including their respective dependent claims 2, 5 to 14, 22 to 26, 28 to 29, 31, 34 to 49, and 51 are allowable over Exchange.

Regarding the rejection of claims 53 to 56 under 35 USC 103(a) as obvious over “Exchange 2000 Conferencing Server Concepts and Planning” and in the context of computer networks in general:

The rejection under 35 USC 103(a) is improper because the cited prior art does not teach all of the features recited in the Appellant's respective dependent claims 53 to 56.

The Office Action of November 4, 2009 asserts that it would have obvious to one of ordinary skill in the art to implement a workspace in which edits made to categorized data on an off-line workspace could be automatically sent to the shared workspace, when the off-line workspace goes back online. However, the Examiner concedes that Exchange does not teach any such feature but instead postulates that it would have made common sense to one ordinary skill in the art to use their general knowledge of computer networks to arrive at the claimed invention of claims 53 to 56. Appellant traverses this rejection.

As Exchange only teaches real-time on-line conferencing, and therefore Exchange is not concerned about saving any data from the Shared Clipboard or Whiteboard applications on the local computer, in case of a severed network connection. Therefore, Appellant respectfully submits that Examiner has rejected claims 53 to 56 under 35 USC 103(a) without providing an articulated rationale in support of why

common sense should be applied to Exchange, especially when Exchange effectively teaches away from off-line collaboration as it features only real-time online collaboration via Shared Clipboard and Whiteboard applications.

Section 706.02 MPEP requires that “Prior art rejections should ordinarily be confined strictly to the best available art.” However, based on the lack art to form the basis of the Examiner’s obviousness rejection, it would appear that the Examiner has instead relied on his personal knowledge of computer networks. While this may be acceptable, 37 CFR § 1.104(d) (2), in *TriMed, Inc. v. Stryker Corp.*, 2010 U.S. App. LEXIS 11700 (Fed. Cir. 2010), (*TriMed II*), on appeal, the court states: “Although reliance on common sense does not require a specific evidentiary basis, “on summary judgment, to invoke ‘common sense’ or any other basis for extrapolating from prior art to a conclusion of obviousness, a district court must articulate its reasoning with sufficient clarity for review....Merely saying that an invention is a logical, common sense solution to a known problem does not make it so.”

For at least these reasons, dependent claims 53 to 56 are allowable over Exchange.

Reversal of the Examiner’s rejection of claims 53 to 56, as well as the rejections of claims 1, 2, 5 to 14, 21 to 26, 28 to 31, 34 to 49, and 51 by the Board of Patent Appeals and Interferences is respectfully requested.

CONCLUSION

In view of the above, Appellant respectfully submits that each of Claims 1, 2, 5-14, 21-26, 28-31, 34-49, and 51-56 is patentable. Therefore, reversal of all rejections is courteously requested.

Appellants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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37 CFR 41.37(c)(1)(viii) CLAIMS APPENDIX

The following is a listing of claims in the instant application. Claims 1, 2, 5 to 14, 21 to 26, 28 to 31, 34 to 49, and 51 to 56 are under appeal.

1. (Previously Presented) A method for creating and managing a shared workspace in a network environment comprising the steps of:

creating a shared workspace associated with a scheduled meeting prior to said scheduled meeting and making said created shared workspace accessible to participants of said scheduled meeting immediately after said shared workspace is created;

categorizing data stored in said shared workspace at the time the data is input into said shared workspace using a set of defined categories associated with said shared workspace;

exposing said categorized data stored in said shared workspace to each participant of said scheduled meeting accessing said shared workspace through a graphical user interface and sending said categorized data to a local workspace of each participant;

editing the categorized data on any local workspace; and

sending edits made to said categorized data at each local workspace to said shared workspace, said shared workspace processing received edits to said categorized data sequentially to update said shared workspace thereby enabling multiple participants to simultaneously input data into appropriate categories of said shared workspace and simultaneously edit categorized data exposed through said graphical user interface.

2. (Original) The method of claim 1 wherein data stored in said shared workspace is categorized into two or more of agenda, goals, decisions, tasks, file attachments, whiteboard notes and drawing categories.

3. (Cancelled)

4. (Cancelled)

5. (Previously Presented) The method of claim 1 wherein changes to categorized data stored in said shared workspace made by participants are applied to said categorized data using an optimistic editing model.

6. (Original) The method of claim 1 wherein said shared workspace is created automatically when a new meeting is scheduled.

7. (Original) The method of claim 6 further comprising the step of sending an automatically created link to the created shared workspace to each participant of the scheduled meeting.

8. (Original) The method of claim 7 wherein the link is attached to a scheduled meeting request delivered to each participant of the meeting.

9. (Original) The method of claim 1 wherein said shared workspace is created for a new meeting in response to user input.

10. (Original) The method of claim 9 further comprising the step of sending a link to the created shared workspace to each participant of the meeting.

11. (Original) The method of claim 10 wherein the link is attached to a scheduled meeting request delivered to each participant of the meeting.

12. (Original) The method of claim 1 further comprising the step of restricting access to the categorized data stored in said shared workspace to participants of the scheduled meeting based on network login information.

13. (Original) The method of claim 12 wherein said network login information includes user login identifications.

14. (Original) The method of claim 13 wherein during creation of said shared workspace, the user login identifications of participants of said scheduled meeting are stored with said shared workspace, during access to said shared workspace by a user, the login identification of said user being compared with the login identifications stored with said shared workspace.

15-20 (Cancelled)

21. (Previously Presented) A system for creating and managing a secure shared workspace for a scheduled meeting comprising:

a workspace server executing a server shared workspace application for creating and managing a shared workspace associated with a scheduled meeting, said server shared workspace application creating the shared workspace prior to the scheduled meeting and making the shared workspace available only to participants of the scheduled meeting immediately upon creation, data stored in said shared workspace being categorized at the time the data is input into said shared workspace using a set of defined categories associated with said shared workspace;

an email server executing a server email and scheduling application; and

a plurality of workstations, each of said workstations executing a client email and scheduling application and a client shared workspace application, said client shared workspace application including a graphical user interface to present said data to the participants, said data being stored to each workstation so that when any participant changes said data on any workstation, the changes are sent by said workstation to said shared workspace and processed sequentially by said shared workspace to update said shared workspace thereby enabling multiple participants of said scheduled meeting to simultaneously access and simultaneously edit categorized data stored in said shared workspace.

22. (Original) A system according to claim 21 wherein data stored in said shared workspace is categorized into two or more of agenda, goals, decisions, tasks, file attachments, whiteboard notes and drawing categories.

23. (Original) A system according to claim 22 wherein the client shared workspace application communicates with the client email and scheduling application executed by each workstation, said client shared workspace application intercepting meeting requests generated by said client email and scheduling application to determine whether a shared workspace is to be created for a new meeting being scheduled or whether a shared workspace existing for a scheduled meeting is to be updated.

24. (Original) A system according to claim 23 wherein said client shared workspace application instructs the server shared workspace application to create a shared workspace for a new meeting being scheduled automatically.

25. (Original) A system according to claim 23 wherein said client shared workspace application asks the user scheduling the new meeting whether a shared workspace for the new meeting is to be created and instructs the server shared workspace application to create a shared workspace for the new meeting when specified by said user.

26. (Original) A system according to claim 23 wherein the client shared workspace application attaches a link to the shared workspace to the meeting request generated by the client email and scheduling application before the meeting request is sent to the server email and scheduling application.

27. (Cancelled)

28. (Previously Presented) A system according to claim 23 wherein changes to data stored in said shared workspace are applied using an optimistic editing model.

29. (Original) A system according to claim 21 wherein said server shared workspace application restricts access to said shared workspace based on user network login information.

30. (Previously Presented) A method for creating and managing a shared workspace in a network environment comprising the steps of:

creating a shared workspace for a meeting before the time at which said meeting is scheduled to begin;

making said shared workspace accessible to participants of said scheduled meeting through a graphical user interface immediately after said shared workspace is created;

storing data in said shared workspace at any time after said shared workspace is created;

categorizing said data stored in said shared workspace using a set of defined categories associated with the shared workspace and storing said categorized data to a local workspace of each participant;

sending edits made to said categorized data at each of said local workspaces to said shared workspace; and

updating said shared workspace by processing received categorized data edits sequentially thereby enabling multiple participants to simultaneously access and simultaneously edit categorized data stored in said shared workspace through said graphical user interface.

31. (Previously Presented) The method of claim 30 wherein data stored in said shared workspace is categorized into two or more of agenda, goals, decisions, tasks, file attachments, whiteboard notes and drawing categories.

32. (Cancelled)

33. (Cancelled)

34. (Previously Presented) The method of claim 30 wherein changes to categorized data stored in said shared workspace made by participants are applied to said categorized data using an optimistic editing model.

35. (Previously Presented) The method of claim 30 wherein said shared workspace is created automatically when a new meeting is scheduled.

36. (Previously Presented) The method of claim 35 further comprising the step of sending a link to the created shared workspace to each participant of the scheduled meeting.

37. (Previously Presented) The method of claim 36 wherein the link is attached to a scheduled meeting request delivered to each participant of the meeting.

38. (Previously Presented) The method of claim 30 wherein said shared workspace is created for a new meeting in response to user input.

39. (Previously Presented) The method of claim 38 further comprising the step of sending a link to the created shared workspace to each participant of the meeting.

40. (Previously Presented) The method of claim 39 wherein the link is attached to a scheduled meeting request delivered to each participant of the meeting.

41. (Previously Presented) The method of claim 30 further comprising the step of restricting access to the categorized data stored in said shared workspace to participants of the scheduled meeting based on network login information.

42. (Previously Presented) The method of claim 41 wherein said network login information includes user login identifications.

43. (Previously Presented) The method of claim 42 wherein during creation of said shared workspace, the user login identifications of participants of said scheduled meeting are stored with said shared workspace, during access to said shared workspace by a user, the login identification of said user being compared with the login identifications stored with said shared workspace.

44. (Previously Presented) A system for creating and managing a secure shared workspace for a scheduled meeting comprising:

- a workspace server executing a server shared workspace application for creating and managing a shared workspace associated with a scheduled meeting, said shared workspace server creating said shared workspace for the scheduled meeting prior to the scheduled meeting, said shared workspace being accessible to participants of said scheduled meeting immediately after said shared workspace is created by said workspace server;

- an email server executing a server email and scheduling application; and

- a plurality of workstations, each of said workstations executing a client email and scheduling application, said client shared workspace application including a graphical user interface to present said data to the participants, said data being stored to each workstation so that when any participant changes said data on any workstation, the changes are sent by said workstation to said shared workspace and processed sequentially by said shared workspace to update said shared workspace thereby enabling each participant of said scheduled meeting to simultaneously access and simultaneously edit categorized data stored in said shared workspace.

45. (Previously Presented) A system according to claim 44 wherein data stored in said shared workspace is categorized into two or more of agenda, goals, decisions, tasks, file attachments, whiteboard notes and drawing categories.

46. (Previously Presented) A system according to claim 45 wherein the client shared workspace application communicates with the client email and scheduling application executed by each workstation, said client shared workspace application

intercepting meeting requests generated by said client email and scheduling application to determine whether a shared workspace is to be created for a new meeting being scheduled or whether a shared workspace existing for a scheduled meeting is to be updated.

47. (Previously Presented) A system according to claim 46 wherein said client shared workspace application instructs the server shared workspace application to create a shared workspace for a new meeting being scheduled automatically.

48. (Previously Presented) A system according to claim 46 wherein said client shared workspace application asks the user scheduling the new meeting whether a shared workspace for the new meeting is to be created and instructs the server shared workspace application to create a shared workspace for the new meeting when specified by said user.

49. (Previously Presented) A system according to claim 46 wherein the client shared workspace application attaches a link to the shared workspace to the meeting request generated by the client email and scheduling application before the meeting request is sent to the server email and scheduling application.

50. (Cancelled)

51. (Previously Presented) A system according to claim 46 wherein changes to data stored in said shared workspace are applied using an optimistic editing model.

52. (Previously Presented) A system according to claim 44 wherein said server shared workspace application restricts access to said shared workspace based on user network login information.

53. (Previously Presented) The method of claim 1 wherein when categorized data is edited on an off-line workspace and the off-line workspace subsequently goes back on-line, the edits made to the categorized data are automatically sent to said shared workspace.

54. (Previously Presented) A system according to claim 21 wherein when data is edited on an off-line workstation and the off-line workstation subsequently goes back on-line, the edits made to the categorized data are automatically sent to said shared workspace.

55. (Previously Presented) The method of claim 30 wherein when categorized data is edited on an off-line workspace and the off-line workspace subsequently goes back on-line, the edits made to the categorized data are automatically sent to said shared workspace.

56. (Previously Presented) A system according to claim 44 wherein when data is edited on an off-line workstation and the off-line workstation subsequently goes back on-line, the edits made to the categorized data are automatically sent to said shared workspace.

37 CFR 41.37(c)(1)(ix) EVIDENCE APPENDIX

None.

37 CFR 41.37(c)(1)(x) RELATED PROCEEDINGS APPENDIX

None.